

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
CITY HALL COUNCIL CHAMBER
SEPTEMBER 14, 2009
7:00 P.M.**

Present: Mayor Anthony G. Chavonne
Council Members Keith A. Bates, Sr. (District 1); Charles E. Evans (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Theodore W. Mohn (District 8); Wesley A. Meredith (District 9)

Others Present: Dale E. Iman, City Manager
Kristoff Bauer, Assistant City Manager
Karen M. McDonald, City Attorney
Patricia C. Bradley, Assistant City Attorney
Lisa Smith, Chief Financial Officer
Jackie Tuckey, Communications Manager/Public Information Officer
Rita Perry, City Clerk
Members of the Press

INVOCATION - PLEDGE OF ALLEGIANCE

The invocation was offered by Senior Pastor Kenneth Boyd, Praise Fellowship Church of God, followed by the Pledge of Allegiance to the American Flag.

1. APPROVAL OF AGENDA

MOTION: Mayor Pro tem Meredith moved to amend the agenda by moving Item 3. Consent to Item 2. and replacing the bond orders under Item 6 and Item 7 with modified bond orders.

SECOND: Council Member Haire

VOTE: UNANIMOUS (10-0)

3. CONSENT:

Council Member Bates requested to pull Item 3.G. for discussion.

MOTION: Council Member Bates moved to approve the consent agenda with the exception of Item 3.G.

SECOND: Council Member Crisp

VOTE: UNANIMOUS (10-0)

- A. City Attorney/Real Estate-Declare Real Property Surplus – Resolution# R2009-067
- B. City Attorney/Real Estate-Land Acquisition
- C. Community Development-Contract Award-Homeless Prevention and Rapid Re-Housing Program Grant
- D. Finance-Special Revenue Project Ordinance 2010-8 [FY 2009 American Reinvestment and Recovery Act (ARRA) COPS Hiring Recovery Program Grant]
- E. Finance-Tax Refunds of Greater than \$100.00.

NameYearBasisCity Refund

Carter, Rebecca Jernigan	2007	Corrected Assessment	<u>\$105.42</u>
TOTAL			<u>\$105.42</u>

F. Planning-Special Sign Permit for Event Signs from September 26 through October 4, 2009, at Six Locations, for the Home Builders' Parade of Homes

G. Pulled for discussion by Council Member Bates

H. PWC-Annexation, Phase V, Project 2, Area 6 “South LaGrange to State Utility Contractors, Monroe, NC, the lowest responsive, responsible bidder in the total amount of \$1,310,744.93.

Bids were received as follows:

State Utility Contractors (Monroe, NC).....	\$1,310,744.93
Triangle Grading & Paving (Burlington, NC).....	\$1,392,982.00

ES&J Enterprises (Autryville, NC).....	\$1,429,945.37
Utilities Plus (Linden, NC).....	\$1,486,892.91
Hendrix-Barnhill (Smithfield, NC).....	\$1,526,127.31
Billy Bill Grading (Fayetteville, NC).....	\$1,666,129.00
T.A. Loving Co (Goldsboro, NC).....	\$1,725,441.00
R.H. Moore Co. (Murrells Inlet, SC).....	\$1,729,269.00

I. PWC-Annexation, Phase V, Project 2, Area 7 “Summerhill/Roundtree to ES&J Enterprises, Inc., Autryville, NC, the lowest responsive, responsible bidder in the total amount of \$1,973,196.70

Bids were received as follows:

ES&J Enterprises (Autryville, NC).....	\$1,973,196.70
State Utility Contractors (Monroe, NC).....	\$2,050,249.80
Hendrix-Barnhill (Smithfield, NC).....	\$2,102,052.61
Billy Bill Grading (Fayetteville, NC).....	\$2,120,247.00
T.A. Loving Co (Goldsboro, NC).....	\$2,583,414.00
Triangle Grading & Paving (Burlington, NC).....	\$1,856,552.00

J. Fire-Transfer Ownership of 1990 GMC Top Kick Service Unit to Grays Creek Volunteer Fire Dept., Station #24 – Resolution# R2009-068

G. Police - Wrecker Ordinance

Council Member Bates pulled this item for discussion.

MOTION: Council Member Bates moved to have this item presented at the October 5, 2009, work session meeting for additional information.

SECOND: Mayor Pro Tem Meredith

Council Member Haire questioned whether a public hearing would follow the work session meeting. Mayor Chavonne responded it was not required; however, Council could set a public hearing.

Council Member Bates requested a work session meeting date to be set. Mr. Dale Iman, City Manager, confirmed the October 5, 2009, work session meeting.

Council Member Evans inquired why this item was being sent back to a work session meeting. Council Member Bates explained there were questions regarding the proposed charges to towing companies for database access, on-street and off-street towing, and repossessions.

VOTE: UNANIMOUS (10-0)

2. PUBLIC FORUM:

Announcements and Recognition

Council Member Evans invited citizens to attend the ribbon cutting ceremony for the dedication of Lois B. Moses Media Center at G.B. Meyers Recreation Center at 12:00 p.m. on Saturday, September 19, 2009, preceded by a performance by the Westover Senior High School marching band.

Mayor Chavonne and Council Member Haire, on behalf of the City Council and City of Fayetteville, presented Certificates of Recognition to the Fayetteville Fire Department Hazardous Materials team (Firefighters Scott Gonzales, Johnny Hartman, and John Rzycki and Lieutenants Justin Nobles and Patrick McArdle) for placing first in the 2009 State Haz Mat Challenge on August 22, 2009.

B. Comment Period

Mrs. Eileen Rettig, 108 Samuel Street, NC 28312, expressed concerns regarding the noise being emitted from Covenant Love Family Church’s sound system at 420 Dunn Road.

Ms. Gwen York, 5703 Cypress Road, Fayetteville, NC 28304, stated she would like a domestic violence unit consisting of specially trained, certified officers within the Police Department.

Mrs. Linda Brown, 3031 Enterprise Avenue, Fayetteville, NC 28312, spoke regarding the reinstatement of Bus Route No. 8 and the F.A.S.T. Transportation Development Plan.

Mr. James Lacy, 2013 Blackfriars Road, Fayetteville, NC 28304, suggested Council lengthen the public forum time to three minutes. He also spoke regarding chickens and roosters as they

relate to the City ordinance. He suggested to Council that a pig was not a suitable therapeutic should the pig issue come back in the future.

Mrs. Claire H. Carver-Lacy, 2013 Blackfriars Road, Fayetteville, NC 28304, spoke regarding graffiti, police driving patrol cars home, and police changing into uniforms upon arriving at work to be less noticeable.

ITEM 4. APPOINTMENT COMMITTEE-PRESENTATION OF APPOINTMENT COMMITTEE RECOMMENDATIONS FOR BOARD/COMMISSION APPOINTMENTS

Council Member Hurst, Appointment Committee Chair, provided highlights of the August 20, 2009, meeting of the Appointment Committee and called attention to recommendations for appointment.

MOTION: Council Member Hurst moved to approve Appointment Committee recommendations for appointments to various boards and commissions.

SECOND: Mayor Pro Tem Meredith

Council Member Massey questioned whether the application of Shirley Pillow, who expressed interest in the Airport Commission, was included in the Appointment Committee's packet. Council Member Hurst responded in the affirmative and stated the Airport Commission had been her first and only choice.

Council Member Crisp thanked the Appointment Committee and encouraged fellow Council members to observe the boards and commissions selection process.

VOTE: PASSED by a vote of 8 in favor to 2 in opposition (Council Members Bates and Evans)

ITEM 5. CITY MANAGER-CITY OF FAYETTEVILLE: STATUS REPORT OF ECONOMIC INDICATORS

Mr. Dale Iman, City Manager, briefed Council on pending bond issues and summarized the bond issuance process. He presented the City's population growth calculations, economic data comparisons with state and national statistics revealing that a strong local economy exists within the City of Fayetteville, various media reports, and the result of BRAC.

Mayor Pro Tem Meredith inquired when Council would receive a bond update on the City's bond ratings. Mr. Iman deferred to Dwight Miller, PWC Financial Administrator.

ITEM 6. FINANCE-BOND ORDER AUTHORIZING AND APPROVING THE ISSUANCE AND SALE OF NOT TO EXCEED \$145,000,000 PUBLIC WORKS COMMISSION REVENUE REFUNDING BONDS – Resolution# R2009-069

Mrs. Lisa Smith, Chief Financial Officer, presented this item. She explained the bond order was to refund the City's outstanding Public Works Commission Revenue Refunding Bonds, Series 2003A, and Public Works Commission Revenue Refunding Bonds, Series 2000A, and direct the authentication and delivery of the 2000A bonds to the underwriters. She stated recommendation was for Council to adopt the bond order.

Council Member Bates inquired if the combined total was for Items 6, 7, and 8. Mrs. Smith responded in the negative. She updated the estimated cost was \$116,000,000.

MOTION: Mayor Pro Tem Meredith moved to adopt the bond order authorizing and approving the issuance and sale of not to exceed \$145,000,000 Public Works Commission Revenue Refunding Bonds, Series 2009A.

SECOND: Council Member Massey

VOTE: UNANIMOUS (10-0)

ITEM 7. FINANCE-BOND ORDER AUTHORIZING AND APPROVING THE ISSUANCE AND SALE OF NOT TO EXCEED \$45,000,000 PUBLIC WORKS COMMISSION REVENUE BONDS – Resolution# R2009-070

Mrs. Lisa Smith, Chief Financial Officer, presented this item and explained this bond order was for authorizing and approving the issuance and sale of not to exceed \$45,000,000 Public Works Commission Revenue Bonds, Series 2009B; to provide funds for various water and sewer capital improvements; and direct the authentication and delivery of the 2009 bonds to the underwriters. She stated this item represented the final action required of Council to issue these bonds. She stated this bond order was incorporated in the bond order referenced in Item 6 and

recommendation was for Council to adopt the bond order.
Council Member Bates requested clarification of the bond amounts. Mrs. Smith provided a summary of the amounts and explained that she was presenting three separate series of bonds. Council Member Mohn clarified on Page 95 of the agenda the \$45,000,000 specifically addressed the 2009B bonds.

MOTION: Mayor Pro Tem Meredith moved to adopt the bond order authorizing and approving the issuance and sale of not to exceed \$45,000,000 Public Works Commission Revenue Refunding Bonds 2009B.

SECOND: Council Member Haire

VOTE: PASSED by a vote of 9 in favor to 1 in opposition (Council Member Bates)

ITEM 8. FINANCE-RESOLUTION PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$14,000,000 GENERAL OBLIGATION REFUNDING BONDS, SERIES 2009– Resolution# R2009-071

Mrs. Lisa Smith, Chief Financial Officer, presented this item and stated this was a completely separate item from the Public Works Commission Revenue Bonds. She explained this was a resolution providing for the issuance of not to exceed \$14,000,000 general obligation Refunding Bonds, Series 2009, and stated recommendation was for Council to adopt the resolution. Mr. Dale Iman, City Manager, emphasized these were general obligation bonds and over the life of the bonds the City would save approximately \$800,000.00 because of this action. He stated this action was refinancing an old debt at a lower rate. Council Member Mohn questioned if these bonds were fixed or variable rates. Mrs. Smith responded they were fixed rate and were being refunded with fixed rate bonds.

MOTION: Council Member Crisp moved to adopt the resolution providing for the issuance of not to exceed \$14,000,000 general obligation Refunding Bonds, Series 2009.

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

ITEM 9. INFORMATION ITEMS

1. Monthly Statement of Taxes Collected for the Month of August 2009 from the Cumberland County Tax Administrator

2009 Taxes.....	\$1,640,675.59
2009 Vehicle Taxes.....	328,153.15
2009 Revit.....	1,591.73
2009 Vehicle Revit.....	306.03
2009 FVT.....	34,549.25
2009 Transit Tax.....	34,549.28
2009 Storm Water.....	88,482.46
2009 Fay Storm Water.....	176,964.80
2009 Recycle Fee.....	90,378.67
2008 Taxes.....	31,173.99
2008 Vehicle Taxes.....	101,426.54
2008 Revit.....	0.00
2008 Vehicle Revit.....	31.00
2008 FVT.....	12,382.61
2008 Transit Tax.....	10,930.80
2008 Storm Water.....	2,723.60
2008 Recycle.....	3,143.22
2008 Fay Storm Water.....	2,673.88
2008 Annex.....	(10.53)
2007 Taxes.....	3,816.90
2007 Vehicle Taxes.....	4,324.06
2007 Revit.....	0.00
2007 Vehicle Revit.....	0.00

2007 FVT.....	788.13
2007 Storm Water.....	352.99
2007 Fay Storm Water.....	489.08
2007 Annex.....	0.00
2006 Taxes.....	930.72
2006 Vehicle Taxes.....	1,042.65
2006 Revit.....	0.00
2006 Vehicle Revit.....	0.00
2006 FVT.....	185.00
2006 Storm Water.....	58.24
2006 Annex.....	6,052.41
2005 and Prior Taxes.....	631.53
2005 and Prior Vehicle Taxes.....	1,427.80
2005 and Prior Revit.....	0.00
2005 and Prior Vehicle Revit.....	0.00
2005 and Prior FVT.....	407.53
2005 and Prior Storm Water.....	83.53
Interest.....	13,350.45
Interest Revit).....	2.26
Interest (Storm Water).....	310.69
Interest (Fay Storm Water).....	249.75
Interest (Annex).....	677.70
Interest (Fay Recycling).....	218.59
Total Collections.....	\$2,595,526.08

2. Report of the City of Fayetteville Taxes for the 2009-2010 Fiscal Year from Cumberland County Tax Administrator

3. Report of Tax Refunds Less Than \$100

NameYearBasisCity Refund

Strickland, Michael A.	2008	Adjusted Value	<u>\$15.75</u>
TOTAL			<u>\$15.75</u>

There being no further business, the meeting adjourned at 7:50 p.m.